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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM-18806-CII-2024 in/and
CR-1739-2023 (O&M)
Date of decision: 24.02.2025

Jagminder Singh

...Petitioner

Versus

Kanta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Dahiya, Advocate for the petitioner.

Mr. K.B. Raheja, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

CM-18806-CII-2024

1. This is an application filed under Order 22 Rule 4 read with Section 151 CPC for impleading the legal representatives of the deceased Surender Kumar-respondent No.2.
2. For the reasons stated in the application which is supported by an affidavit, the present application is allowed and legal representatives of respondent No.2-Surender Kumar are ordered to be impleaded as party subject to just exceptions and solely for the purpose of pursuing the main revision petition and the same would not be construed as an adjudication on the entitlement of the estate of respondent No.2.
3. Amended memo of parties is taken on record, subject to all just exceptions.



Main case

1. This is a revision petition filed under Article 227 of the Constitution of India for quashing of impugned order dated 03.12.2022 (Annexure P-1) passed by the ACJ (SD), Samalkha and the judgment dated 02.02.2023 passed by the ADJ, Panipat.

2. Learned counsel for the petitioner has submitted that primary concern of the petitioner is that the respondents-defendants should not make an unauthorized colony and sell the same.

3. Learned counsel for the respondents has submitted that the respondents only want to raise construction on their own share for their own requirement and do not want to make any colony much less unauthorized colony.

4. During the course of arguments, a consensus has arrived at between learned counsel for the petitioner as well as learned counsel for the respondents and the present revision petition is disposed of with the following observations/directions:-

- a) As admitted before this Court, the respondents will not construct any unauthorized colony on the property in question. In case any such unauthorized colony is made then it would be open to the petitioner to move an application for recalling of the present order.
- b) The respondents would be permitted to raise construction in the area which is in their occupation and which is not more than their share in the joint land. The said construction would be subject to the final partition and the respondents would not take any benefit of the said construction in the partition proceedings and in case in the final partition



proceedings, the said area falls in the share of the petitioner then it would be open to the petitioner to either ask the respondents to demolish the same or to accept the same with the said construction. In case the petitioner wishes to have the possession of vacant land then it would be the duty of the respondents to demolish the construction at their own costs.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

24.02.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No